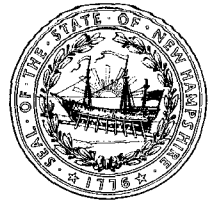




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 05-056**

December 19, 2005

David Como
11 Vista Drive
Canaan, NH 03741

RE: DES Wetlands File #2004-00501 New Colony Rd, Orange

Dear Mr. Como:

On December 7, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Orange Tax Map 3 as Lot 33 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and compliance with the permit conditions specified in Wetlands and Non-Site Specific Permit 2004-501.

During the inspection the following deficiencies were documented:

1. Stone rip-rap had been installed on the face of each of the bridge abutments on Wetlands Disturbance Area 1. Portions of the stone rip-rap had been placed within the perennial stream;
2. Headwalls to the culvert in Wetlands Disturbance Area 1 were not installed, a violation of Permit Condition #16;
3. Outlet protection was not installed to the culvert in Wetlands Disturbance Area 1, a violation of Permit Condition #17; and
4. Orange construction fencing had not been installed at the limits of construction, a violation of Permit Condition #5.

In response, you are requested to take the following actions:

1. By January 1, 2006, install outlet protection at the outlet to the culvert in Wetlands Disturbance Area 1;
2. By May 31, 2006, remove the stone rip-rap located within the stream channel and place out Wetlands Bureau jurisdiction; and
3. By May 31, 2006, install headwalls to the culvert in Wetlands Disturbance Area 1.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for the imposition of civil penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Linda Magoon at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,

A handwritten signature in cursive script, likely reading 'Collis G. Adams', is written over a large, bold, outlined 'COPY' stamp.

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0001 2419 2905

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Mike Duffy, P.E., Horizons Engineering PLLC
Orange Conservation Commission
Orange Board of Selectmen
USACOE